



John H. Lightfoot, Jr.
Chairman

State of New Hampshire Guardian ad Litem Board

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In the Matter of:

Kathy Needleman
Adjudicatory Proceeding & Settlement

DECISION AND ORDER

Before the Guardian ad Litem Board (the Board) is the matter of Kathy Needleman following the denial of her application for certification as a Guardian ad Litem.

BACKGROUND INFORMATION

On November 22, 2010, the Guardian ad Litem Board (the Board) office received an application for certification as a Guardian ad Litem from Kathy Needleman (Ms. Needleman).

On December 8, 2010, the Board office received the last reference required to consider the application for certification as a Guardian ad Litem for Ms. Needleman.

On January 21, 2011, the Board reviewed Ms. Needleman's application and voted to deny the application pursuant 303.01(h) that a Guardian ad Litem shall be of good character; as demonstrated by her failure to comply with rules, lack of willingness to fully answer questions, provide required documentation as with the log of experience, and contempt for the process as exhibited in her application comments and essay. This decision is supported when reviewing the PCC decision, and relevant Concord Monitor articles dated January 25, 2009, all available in the public domain.

On January 28, 2011 the board issued a letter to inform Ms. Needleman of the denial.

On February 28, 2011, the Board office received a written request from Eugene Sullivan for a hearing to challenge the denial of Ms. Needleman's application, pursuant to 302.01 (g) & (e).

On March 28, 2011, the notice of hearing was mailed via certified return receipt to Ms. Needleman.

The hearing was scheduled for May 20, 2011.

The notice of hearing provided that the following specific issues would be determined at the adjudicatory proceeding:

Whether Ms. Needleman meets the requirement of Gal 303.01(h) that a Guardian ad Litem shall be of good character; as demonstrated by her failure to comply with rules, lack of willingness to fully answer questions, provide required documentation as with the log of experience, and contempt for the process as exhibited in her application comments and essay.

Whether this decision is supported when reviewing the PCC decision dated January 29, 2009, and relevant Concord Monitor articles dated January 25, 2009, all available in the public domain.

Jack Lightfoot served as Presiding Officer.

On April 25, 2011 the Board received a notice of appearance for Eugene Sullivan to represent Ms. Needleman.

On April 25, 2011 the Board received a motion for request for specificity.

On May 6, 2011 an order on the motion of specificity and hearing postponement was mailed certified return receipt to Mr. Sullivan and Ms. Needleman and signed for on May 10, 2011.

The new hearing date was scheduled for August 1, 2011.

On May 25, 2011 a new notice of hearing was mailed certified return receipt to Mr. Sullivan and Ms. Needleman and signed for on May 31, 2011.

HEARING

An adjudicatory hearing was held on August 1, 2011 in room 101 of the Legislative Office Building, Concord.

Present were: Jack Lightfoot, Presiding Officer, Alan Cantor, Nina Gardner, Ann Larney and Susan Duncan

Also present were Kathy Needleman, respondent, Eugene Sullivan counsel for respondent.

The record in this case consists of the following:

Documents from the Board's file on Ms. Needleman:

2010 Renewal Application of Kathy Needleman filed on November 22, 2010.

Professional Conduct Committee Decision of January 29, 2009

Notice of Hearing dated May 25, 2011

At the hearing Mr. Sullivan requested to meet with a representative of the Board and reach an informal agreement.

Nina Gardner and Alan Cantor met with Ms. Needleman and Mr. Sullivan and reported back to the Board on September 16, 2011.

FINDINGS OF FACT

Ms Needleman did not file a complete renewal application in that it did not include a completed log of volunteer experience as required by Gal 302.02 (a) 15.

RULINGS OF LAW

Ms. Needleman's renewal application violated Gal 302.01(a)(3), for failure to file a complete application.

THEREFORE IT IS ORDERED that the application of Kathy Needleman be denied pursuant GAL 302.01(a)(3), as the applicant did not submit a complete application.

IT IS FURTHER ORDERED that respondent Kathy Needleman immediately notify any courts in which she currently holds an appointment as guardian ad litem of the results of this disciplinary hearing.

IT IS FURTHER ORDERED that a copy of this order be delivered to the Administrative Office of the Courts, the Administrative Judges of the Superior, Probate, District and Family Division Courts, and the Attorney Discipline Committee.

Appeals from orders of the Board may be taken pursuant to RSA 541. See RSA 490-C:8. Within 30 days of the date of this decision, the respondent may appeal by petition for a writ of certiorari to the New Hampshire Supreme Court. See RSA 541:6.

BY ORDER OF THE BOARD

DATE: October 5, 2011



Jack Lightfoot
Presiding Officer

cc: Kathy Needleman
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